

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MARK AND JUDY	)	
DINGMANN,	)	
	)	
Plaintiffs,	)	Civil Action File No.:
	)	
vs.	)	
	)	On Removal from Superior Court
STATE FARM FIRE AND	)	of Gwinnett County
CASUALTY COMPANY	)	CAFN 24-A-06412-11
	)	
Defendant.	)	
	)	
	)	

**NOTICE OF REMOVAL**

Defendant STATE FARM FIRE AND CASUALTY COMPANY (“Defendant”), by and through counsel, within the time prescribed by law, and without waiving any defenses, file this Notice of Removal, respectfully showing this Honorable Court, as follows:

**1.**

Plaintiffs Mark Dingmann and Judy Dingmann filed a breach of contract suit against the Defendant in the Superior Court of Gwinnett County, Georgia styled as above and numbered as Civil Action File No. 24-A-06412-11. Gwinnett County is in the Atlanta Division of this Court. 28 U.S.C. § 90 (a)(2).

**2.**

Upon information and belief, Plaintiff is a citizen of the State of Georgia.

**3.**

Defendant State Farm Fire and Casualty Company is an Illinois insurance company. State Farm Fire and Casualty Company, which is a wholly owned subsidiary of State Farm Mutual Automobile Insurance Company, its parent, is a corporation formed under the laws of the state of Illinois and its principal place of business is in Illinois. As such, State Farm Fire and Casualty Company is not a citizen of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter. (*See* Georgia Secretary of State documents, attached hereto as Exhibit “C”).

**4.**

Complete diversity of citizenship exists between Plaintiffs and Defendant.

**5.**

Defendant State Farm Fire and Casualty Company received service of summons and a copy of the Complaint on July 31, 2024. (*See* Sheriff’s Entry of Service, attached hereto as Exhibit “B”).

**6.**

Defendant has timely removed this case pursuant to 28 U.S.C. §1446(b)(1) which provides that the “notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based ....” This Notice of Removal is filed within thirty days of the service of Plaintiff’s Complaint upon Defendant on March 28, 2024. (*See* Sheriff’s Entry of Service, attached hereto as Exhibit “B”).

**7.**

Plaintiff’s Complaint prays for a judgment of no less than \$289,140. (Complaint at ¶ 4 (and footnote 1 thereto), attached here to as Exhibit “A”)

**8.**

Accordingly, the amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332.

**9.**

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

**10.**

Pursuant to 28 U.S.C. § 1446, Defendants have attached as Exhibit “D” copies of all process, pleadings and Orders that were served on and/or provided to Defendant, including copies of all pleadings that have been filed to date in the Superior Court of Gwinnett County, Georgia for the above-styled case.

**11.**

Pursuant to 28 U.S.C. §1446, Defendant is not required to file a removal bond.

**12.**

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the Superior Court of Gwinnett County, as required by 28 U.S.C. §1446.

**13.**

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of records, as required by 28 U.S.C. §1446.

WHEREFORE, Defendant pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division.

(SIGNATURE PAGE FOLLOWS)

This 30th day of August, 2024.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/Kyle Joyce  
Rakhi D. McNeill  
(State Bar No. 601029)  
Kyle T. Joyce  
(State Bar No. 960181)  
*Attorneys for Defendant*

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**CERTIFICATE OF COMPLIANCE**

On this date, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1C. The foregoing pleading has been prepared in 14-point Times New Roman font.

This 30th day of August, 2024.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/Kyle Joyce  
Rakhi D. McNeill  
(State Bar No. 601029)  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on this the *30th* day of April, 2024, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Bill W. Crecelius, Jr. P.C.  
6455 E. Johns Crossing  
Suite 400  
Johns Creek, GA 30097  
404-759-3752  
770-622-4705  
[crecelius1@comcast.net](mailto:crecelius1@comcast.net)

This 30th day of August, 2024.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/Kyle Joyce  
Rakhi D. McNeill  
(State Bar No. 601029)  
Kyle T. Joyce  
(State Bar No. 960181)  
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